

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: March 2, 2012

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NEW JERSEY CARPENTERS HEALTH FUND, :
On Behalf of Itself and All Others Similarly Situated, :

Plaintiffs, :

- against - :

DLJ MORTGAGE CAPITAL, INC., et al., :

Defendants. :
-----X

08 Civ. 5653 (PAC)

ORDER

HONORABLE PAUL A. CROTTY, United States District Judge:

The Court has considered the parties' letters of February 8, 2012, February 15, 2012, and February 24, 2012. There is no need for a conference or a motion to compel. The Court will dispose of the applications based on the papers submitted by the parties.

1. Plaintiffs' Request that Defendants Produce Documents Relating to Trading Profits from the Default of the HEMT 2006-5 Bonds.

The request is denied as overbroad. Many trades may have been made on behalf of customers/clients which have no bearing whatsoever on Credit Suisse. With respect to negative trades and swaps executed by Credit Suisse for its own account and/or as part of a risk management function, however, the information and documents sought may be relevant. To that limited extent, the request is allowed and Defendants should comply.

2. Plaintiffs' Request for the Production of Documents Previously Produced to the Government Regarding Credit Suisse MBS Practices During the Same Time Period as the HEMT 2006-5 Offering.

This request is denied as overbroad. "Copy cat" or "monkey see/monkey do" requests may be appropriate where the scope and contours of separate lawsuits and discovery demands are the same, or nearly the same. But the Government's investigation is far broader

than the limited subject matter of this lawsuit which involves only HEMT 2006-5. Plaintiffs have made specific demands concerning the HEMT 2006-5 securitization, and have received over 3 million plus pages of documents. Plaintiffs continue to be free to seek specific information, but its request that says “you gave some documents to the government concerning another investigation, so give them to me” is DENIED.

Dated: New York, New York
March 2, 2012

SO ORDERED

A handwritten signature in black ink, appearing to read "Paul A. Crotty", is written over a horizontal line.

PAUL A. CROTTY
United States District Judge